

CITY OF FRISCO
ADMINISTRATIVE DIRECTIVES

Topic: **SEXUAL HARASSMENT**

Effective Date: 01/01/99

Approved By: JP

Revision Date:

STATEMENT OF PURPOSE:

The purpose of this directive is to define sexual harassment and to outline the responsibilities of supervisors and employees if this problem is encountered.

It is City policy to fully support enforcement of State and Federal laws which provide that sexual harassment is prohibited. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences. **The City will not tolerate any infractions of this policy by its employees or any outside parties.**

DEFINITION:

Sexual harassment is defined as any unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature when:

- the unwelcome conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile, uncomfortable, or offensive working environment;
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or,
- submission to or rejection of such conduct by an individual is used as the basis of employment decisions.

Examples of conduct prohibited by this directive include:

- Unwelcome sexual advances or repeated flirtations.
- Asking unwelcome questions or making unwelcome comments about another person's sexual activities, dating, personal or intimate relationships, or appearance.
- Unwelcome conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender (including jokes, pranks, teasing, obscenities, obscene or rude gestures or noises, slurs, epithets, taunts, negative stereotyping, threats, blocking of physical movement, etc.).

PROCEDURES:

Employee Responsibility. An employee who believes that a supervisor's, employee's or a nonemployee's actions or words constitute sexual harassment must report the situation to any supervisor in any department, or the Human Resources Director as soon as possible.

Supervisor Responsibility. Each supervisor has a responsibility to maintain a work place free of any form of sexual harassment. No supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's employment with the City. The responsibility to maintain a work place free of sexual harassment includes a duty to report any instance of sexual harassment where the supervisor is aware either directly or indirectly that harassment has or may have occurred either through the chain of command or directly to the Human Resources Director. All complaints

received by a supervisor must immediately be referred to the Human Resources Director.

Supervisors must use a great deal of discretion in their social relationships with other employees, particularly their own subordinates. This is to avoid compromising their ability to function as an impartial supervisor who can treat all employees fairly. Supervisors should avoid social relationships with their subordinates which may lead to an impression of partiality or bias.

Human Resources Director Responsibility. The Human Resources Director will investigate all allegations of sexual harassment and provide a written response to the complainant and appropriate management staff.

Department Director Responsibility. The Department Director of the involved department will cooperate with any investigation conducted. The Director or designated representative may participate in the investigation if determined appropriate by the Human Resources Director.

Filing a Complaint. An employee must file a complaint alleging sexual harassment with any supervisor in any department. All complaints will immediately be referred to the Human Resources Director for investigation. If the complaint is filed by or against an employee in the Human Resources Department, the City Manager or designated representative will conduct the investigation and render a decision.

Investigation. The Human Resources Director or City Manager, as outlined elsewhere in this directive, will contact the employee to obtain the facts of the alleged harassment. The Human Resources Director or City Manager will conduct an investigation and render a written decision to the employee and appropriate management staff within a reasonable amount of time after meeting with the employee. The City Manager and Department Director will review the findings with the Human Resources Director to consider any proposed action.

If the investigation reveals that the complaint is valid, prompt disciplinary action, as approved by the appropriate individuals, will be taken. The immediate supervisor will insure that the harassing conduct is immediately stopped.

Confidentiality. All information concerning a sexual harassment complaint will be treated as confidential. Content of a sexual harassment complaint, whether verbal or written, will not be disclosed except as a part of the investigative process, to those who have a need to know or as otherwise required by law.

Appeal to the City Manager. If the employee is not satisfied with the decision of the Human Resources Director, he/she may appeal the decision to the City Manager in writing within five (5) working days of receipt of the decision. The City Manager, or designee, will review the sexual harassment complaint and the investigation conducted thus far and/or conduct a further investigation and render a decision. The decision of the City Manager completes the internal process for sexual harassment complaints.

Prohibited Retaliation. No employee will retaliate against another employee who files a complaint of sexual harassment or cooperates with a sexual harassment investigation. Any employee retaliating against another employee will be subject to disciplinary action, up to and including dismissal.